

CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

MEETING MINUTES:

**BOARD OF PROFESSIONAL LAND SURVEYORS
Rules and Regulations Hearing & Board Meeting**

DATE AND TIME:

Tuesday September 16, 2010 at 8:30 a.m.

PLACE:

861 Silver Lake Boulevard, Dover, Delaware
Conference Room A, second floor of the Cannon Building

APPROVED:

MEMBERS PRESENT

Steven Sellers, Professional Member
Michael Szymanski, Professional Member
Laurence McBride, Professional Member
James Bielicki, Jr., Professional Member
Frank Szczuka, Public Member

DIVISION STAFF

Frederick Schranck, Deputy Attorney General
Barbara Gadbois, Deputy Attorney General
Sandra Wagner, Administrative Specialist III

MEMBERS ABSENT

Mary Chvostal, Public Member

PUBLIC

Vincent J. Bailey, Wilcox & Fetzer, court reporter
Bruce McKenna
Ellen McKenna
Suzanne Cohen
William Natale, Esq.

CALL TO ORDER

Mr. Sellers called the meeting to order at 8:42 a.m.

HEARING MINUTES

Disciplinary Hearing – Bruce McKenna

The Delaware Board of Professional Land Surveyors held a hearing on September 16, 2010, at 10:37 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Frank Szczuka, James Bielicki, Michael Szymanski, Stephen Sellers

RECUSED: Laurence McBride

EXCUSED: Mary Chvostal

PURPOSE: Disciplinary Hearing Continuance

PRESIDING: Stephen Sellers, President

BOARD STAFF: Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, Esq.

DEPUTY ATTORNEY GENERAL FOR THE STATE: Barbara Gadbois, Esq.

RESPONDENT: Bruce McKenna

COUNSEL FOR THE RESPONDENT: William Natale, Esq. and John Denney, Esq.

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT: Suzanne Cohen, Ellen McKenna, and Mr. Bruce McKenna

COURT REPORTER PRESENT: Vincent J. Bailey, Wilcox and Fetzer

TIME STARTED: 10:37 a.m.

The court reporter took verbatim testimony. Mr. Schranck described the reason for the continuance of the hearing and confirmed Mr. McKenna was present for the Hearing. Ms. Gadbois had already entered the documents as Respondent's Exhibit 1 at the hearing in June. The Exhibit was re-circulated among the Board members. Mr. Natale called Ms Suzanne Cohen to give an expert testimony. Ms. Cohen is a licensed Clinical Social Worker in the State of NJ. Mr. Natale entered Defense exhibit 1. The Board took a break at 11:50 a.m. so that they could read the report of Ms. Cohen. The Board went back on the record at 12:27 p.m. The Board went off the record for break at 1:45 p.m. The Board went back on the record at 1:54 p.m. Mr. Schranck closed the Hearing at 2:36 p.m. at which time they went off the record. Deliberations will be made at the October Board meeting. Ms. Gadbois and Mr. Natale will have their closing arguments submitted to Mr. Schranck by October 18, 2010 for the Board to be able to conclude this hearing and make there decision about the case.

Review and Approval of Minutes

Mr. Sellers moved for the review and approval of the minutes. Mr. Szymanski made a motion, seconded by Mr. Bielicki to approve the minutes for August 24, 2010. The motion carried with Mr. McBride abstaining.

Unfinished Business

Discussion of Land Surveying Certificates of Authorization

Mr. Szymanski commented that he would like to see the word employee added to question number 14 to clarify the question. Mr. Bielicki would like to know if a part time person could be a supervising individual. Mr. Schranck stated if a part time person is a licensed Land Surveyor who would be in responsible charge of a firm that person holds the right to work and/or supervise. Mr. Szczuka stated he heard that maybe a part time Land Surveyor would not be able to be in charge. Mr. Schranck said that a licensed part time Land Surveyor can work for multiply companies and still could do a good job. The part time licensed Land Surveyor would legally be able to do this activity, nothing in the Law or Rules and Regulation states otherwise.

Review of Tabled applications

Fidel Gonzalez - Mr. Szymanski made a motion, seconded by Mr. McBride to table the application until PA can send in a new certificate showing the correct exam scores. The motion was unanimously approved.

Terrence Blomquist – Mr. Szymanski made a motion, seconded by Mr. McBride to propose to deny the application for not having received the claimed hours in responsible charge verified by a Professional Land Surveyor. Mr. Blomquist sent the Board some of his work to be reviewed; however some of this work was signed off by persons not verifying his application. The motion was unanimously approved.

NEW BUSINESS

Courses for Continuing Education Approval

Mr. Szymanski reviewed the applications for PDH approval from the Delaware Association of Surveyors. Mr. Szymanski made a motion, seconded by Mr. McBride to approve the General Membership Meeting for 1 PDH. The motion was unanimously approved.

Mr. Szymanski made a motion, seconded by Mr. McBride to approve the Delaware Association of Surveyors Conference for 48 PDHs. **Out of the 48 PDHs, 4PDHs were approved for Ethics.** The motion was approved unanimously, with Mr. Szymanski abstaining from the vote for the Delaware Roads seminar of which he is the presenter.

Review of Final Surveyor Intern Application

Mr. Szymanski made a motion to table the final approval of the application until Board recommendations can be made part of the application, seconded by Mr. McBride. Mr. Szymanski requested the application be sent to the board members after recommendations are incorporated for the Board to review and that the board members be prepared to discuss and vote at October's Board meeting. The motion was unanimously approved.

Ratification of Issuance of Land Surveying Certificates of Authorization

Mr. Szymanski made a motion, seconded by Mr. McBride to ratify the issuance of the Certificates of Authorization. The applications were clean applications with no questions. Approval is for Bock & Clark Corporation and Landmark Engineering Inc. The motion was unanimously approved.

Complaint Assignments

There were no new complaint assignments.

Complaint Status

The following complaint was forwarded to the Attorney General's office: 5-01-10.

Hearings/Consent Agreements/Board Orders

There were no new Hearing/Consent Agreements or Board Orders.

Closed Complaints

The following complaints have been dismissed: 05-01-09, 05-05-08, and 05-06-08.

Wall Certificates

Mr. Sellers and Mr. Szczuka signed the certificate for Jonathan A. Russell.

Audit Compliance Update

No update at this time.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

Mr. Sellers wants deliberations of the Rules and Regulation Hearing on the next agenda. The Board asked Ms. Wagner to send an acknowledgement letter to Mr. Elrod for his correspondence. The Board would like to discuss Senate Bill 308 at the next meeting.

PUBLIC COMMENT

There was no public comment.

NEXT MEETING

The next scheduled meeting of the board is October 21, 2010 at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business before the Board, Mr. Szymanski made a motion, seconded by Mr. Mc Bride to adjourn the meeting at 3:05 p.m. The motion was unanimously approved.

Respectfully Submitted,



Sandra Wagner
Administrative Specialist III



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RESPONDENT: Bruce McKenna

COUNSEL FOR THE RESPONDENT: William Natale, Esq. and John Denney, Esq.

WITNESSES FOR THE STATE:

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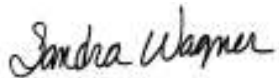
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Sandra Wagner
Administrative Specialist III